

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY J D.C.
05 SEP 26 AM 8:28
THOMAS M. GOULD
CLERK U.S. DISTRICT COURT
W.D. OF TN JACKSON

WILLIAM McCUTCHEON,)	
)	
Plaintiff,)	
)	
VS.)	No. 1-05-1185-T
)	Jury Demanded
WAL-MART STORES, INC.,)	Judge Todd
)	Magistrate Anderson
Defendant.)	

RULE 16(b) SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, and the agreement of the parties' respective counsel, and with the permission of this Honorable Court, the following dates are hereby established as the final dates for:

INITIAL DISCLOSURES (RULE 26(a)(1): by October 18, 2005.

JOINING PARTIES:

for Plaintiff: by December 4, 2005.

for Defendant: by January 4, 2006.

AMENDING PLEADINGS:

for Plaintiff: by December 4, 2005.

For Defendant: by January 4, 2006.

COMPLETING ALL DISCOVERY:

(a) **REQUESTS FOR PRODUCTION, INTERROGATORIES and**
REQUESTS FOR ADMISSIONS: by April 4, 2006

(b) **EXPERT DISCLOSURE (Rule 26(a)(2):**

This document entered on the docket sheet in compliance
with Rule 58 and/or 79 (a) FRCP on 09-26-05

8

- (I) Plaintiff's Experts: by February 4, 2006.
- (ii) Defendant's Experts: by March 4, 2006.
- (iii) Supplementation under Rule 26(e): by March 14, 2006.

(c) **DEPOSITIONS OF EXPERTS:** by April 4, 2006.

FILING DISPOSITIVE MOTIONS: by July 23, 2006.

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

- (a) for Plaintiff: by September 8, 2006.
- (b) for Defendant: by September 23, 2006.

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 2 days and is **SET** for **JURY TRIAL** on Monday, October 23, 2006 at 9:30 a.m. A joint pretrial order is due on Friday, October 13, 2006. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

OTHER RELEVANT MATTERS:

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response,

or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

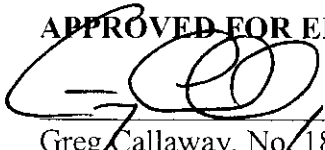
The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

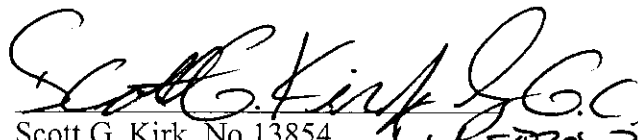
The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

APPROVED FOR ENTRY:




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Attorney for Plaintiff
*w/ EXPRESS PERMISSION
GRANTED 9.20.05*

IT SO ORDERED.


S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: September 23, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 8 in case 1:05-CV-01185 was distributed by fax, mail, or direct printing on September 26, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT